

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                    )  
                                  )  
vs.                            )  
                                  )  
FREDY HERNANDEZ-CASTILLO, )  
                                  )  
Defendant.                    )

8:09CR94

ORDER

This matter is before the court on the defendant's motion for a 18-day extension of time in which to file pretrial motions [25]. Upon review of the file, the court finds that a 15-day extension should be granted.

**IT IS ORDERED** that the Motion to Continue Filing Pretrial Motions [25] is granted, in part, as follows:

1. The deadline for filing pretrial motions is extended to **May 1, 2009**.
2. Defendant is ordered to file a waiver of speedy trial as soon as practicable.
3. In accordance with 18 U.S.C. § 3161(h)(8)(A), the court finds that the ends of justice will be served by granting this motion and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **April 16, 2009 and May 1, 2009**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

**DATED 16<sup>th</sup> day of April, 2009.**

**BY THE COURT:**

**s/ F.A. Gossett**  
**United States Magistrate Judge**